

**MINUTES**

**MONTANA SENATE  
56th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH AND GAME**

**Call to Order:** By **VICE CHAIRMAN MIKE TAYLOR**, on February 4, 1999  
at 3:10 P.M., in Room 402 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Mike Taylor, Vice Chairman (R)  
Sen. Tom A. Beck (R)  
Sen. Al Bishop (R)  
Sen. William Crismore (R)  
Sen. Pete Ekegren (R)  
Sen. Jon Ellingson (D)  
Sen. Eve Franklin (D)  
Sen. Bea McCarthy (D)  
Sen. Chuck Swysgood (R)  
Sen. Jack Wells (R)

**Members Excused:** Sen. Ken Mesaros, Chairman (R)  
Sen. Steve Doherty (D)

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Adrienne Pillatzke, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB93, 2/4/1999; SB 329,  
2/4/1999  
Executive Action: HB 93

**HEARING ON HB 93**

**Sponsor:** REPRESENTATIVE BOB PAVLOVICH, HD 37, Butte

**Proponents:**    Jim Jacobsen, Montana Veteran's Affairs Division  
                     Hal Manson, American Legion of Montana  
                     John Sloan, Disabled American Veteran's  
                     Larry Longfellow, Department of Montana Veteran's  
                                 Foreign Wars  
                     Jerry Wells, Montana Council of Trout Unlimited  
                     Ken Hoovestol, Walleyes Unlimited of Montana  
                     Robin Cunningham, Fishing Outdoors Association

**Opponents:**     None

**Opening Statement by Sponsor:**

**REPRESENTATIVE BOB PAVLOVICH, HD 37, Butte,** stated HB 93 concerns the Legion of Valor. The bill allows the members of the Legion of Valor to fish at any time in Montana. Montana has five member who are residents. There are approximately 700 members left in the country and the age group is all over 70 years old.

**Proponents' Testimony:**

**Jim Jacobsen, Montana Veteran's Affairs Division,** stated his support of HB 93.

**Hal Manson, American Legion of Montana,** commented this bill is great courtesy to the people who have demonstrated their bravery. He stated their support of HB 93.

**John Sloan, Disabled American Veteran's,** stated their support HB 93.

**Larry Longfellow, Department of Montana Veteran's Foreign Wars,** stated their support of HB 93.

**Jerry Wells, Montana Council of Trout Unlimited,** stated their support of HB 93.

**Ken Hoovestol, Walleyes Unlimited of Montana,** stated their support of HB 93.

**Robin Cunningham, Fishing Outfitters' Association,** stated their support of HB 93.

**Opponents' Testimony:**    None.

**Questions from Committee Members and Responses:**

**SENATOR BISHOP** asked who issued the Legion of Valor. **Jim Jacobsen** replied the Legion of Valor is the title of their Veteran's Service Organization and that is the same as the VFW.

**Closing by Sponsor:**

**REPRESENTATIVE PAVLOVICH** stated Senator Lynch would sponsor the bill in the Senate. He urged the support of the committee.

**EXECUTIVE ACTION ON HB 93**

**Motion/Vote:** **SEN. SWYSGOOD** moved that **HB 93 BE CONCURRED IN.**  
**Motion carried unanimously.**

*{Tape : 1; Side : A; Approx. Time Counter : 3:15}*

**HEARING ON SB 329**

**Sponsor:** **SENATOR JON ELLINGSON, SD 33, Missoula**

**Proponents:** **Ken Hoovestol,**  
**Bob Carroll**  
**Robin Cunningham**  
**Jerry Wells**

**Informational Testimony:** **Arnie Olsen, Fish Wildlife and Parks**

**Opponents:** **None**

**Opening Statement by Sponsor:**

**SENATOR JON ELLINGSON, SD 33, Missoula,** stated SB 329 is a water craft safety bill. Montana has a problem with safety on our water and it is affecting boat operator, fishermen and fisher women, swimmers, divers, water skiers, and lake shore property owners. He read a portion of a letter from Flathead Lake property owners who are concerned with the safety of water crafts on Montana lakes. He submitted the letters, **EXHIBIT(fis28a01)**. He discussed segments of the bill to the committee.

**Proponents' Testimony:**

**Ken Hoovestol, Walleye Unlimited,** stated he supports SB 329 as amended. Walleye Unlimited believes personal water craft needs more control.

**Bob Carroll, Citizen**, submitted written testimony, **EXHIBIT(fis28a02)**.

**Robin Cunningham, Fishing Outfitters' Association**, stated this bill is already followed by responsible boaters in Montana. The bill will help newcomers to learn to respect Montana's common sense history of safe boating usage. The association welcomes the education for new boaters and understands the required amendments regarding the longtime motorboat operators. They support SB 329 as amended.

**Jerry Wells, Trout Unlimited**, stated they have been involved in river and lake management issues for many years. Trout Unlimited has become more interested and concerned with the increase use of jet skis on state waters and their impact of the safety and enjoyment of fishers. SB 329 addresses many of the concerns they have including safety training and increasing the distance that personal water craft would have to stay away from fishermen.

**Opponents' Testimony:** None.

**Informational Testimony:**

**Arnie Olsen, FWP**, submitted written testimony, **EXHIBIT(fis28a03)**.

**Questions from Committee Members and Responses:**

**SENATOR BECK** asked how is the department going to handle the flex of motor boat validations in the first year. **SENATOR ELLINGSON** responded he is going to propose an amendment to strike the requirement of motor boat operators and require the licenser for operators of personal water craft. **SENATOR BECK** asked if there is a proposal to handle personal water crafts that are leased to out-of-state people. **SENATOR ELLINGSON** stated he would like to think about that and suggest a solution before executive action.

**SENATOR WELLS** asked what is the number of personal water craft operators in Montana. **Arnie Olsen** replied there are 47,000 registered boaters therefore the department figures there are an average of 2 operators per boat. Personal water craft there are 4470 registered water craft. The department figures there are 9,000 to 13,000 personal water craft operators.

**SENATOR SWYSGOOD** stated that it is hard to see a swimmer in rough water with the speed of a water craft. He asked how is the department is going to address the situation. **SENATOR ELLINGSON** replied swimmers who are swimming in the middle of the lake usually swim fairly close to a boat so they would have to meet the requirement of being 200 feet away from the boat. Divers use

a diving flag therefore boaters would be aware of that. He stated he doesn't have an answer for swimmers who swim from one end of the lake to the other.

**SENATOR BISHOP** asked who gives the permission to operate within 200 feet of a fisherman. **Arnie Olsen** responded as he understood it would be the fisherman.

**SENATOR BECK** asked Ken Hoovestol for his comments. **Ken Hoovestol** stated he wanted to respond the Senator Swysgood's concern. He commented that if p. 5, line 10-11, was amended to say "swimming area" it would relieve the problem as far as being able to see 200 feet ahead. **SENATOR BECK** asked to address the problem about docking a boat within 200 feet of a swimming area. **Mr. Hoovestol** replied the bill states the boater operates under a no-wake zone with the exception of the stand up type water craft which they have to operate in minimum operational speed.

**Leanne Kurtz** defined a personal water craft.

**Closing by Sponsor:**

**SENATOR JON ELLINGSON** stated there is a general consensus that there is a safety issue that needs to be addressed.

**ADJOURNMENT**

Adjournment: 3:49 P.M.

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SEN. KEN MESAROS, Chairman

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ADRIENNE PILLATZKE, Secretary

KM/AP

**EXHIBIT (fis28aad)**